

REMARKS

Claims 1-44 are in the case and presented for reconsideration. Claims 1-44 have been amended. No new matter has been added.

Applicant apologizes for the oversight with respect to claims set forth in Applicant's Amendment filed on July 7, 2004 (docketed as received at the USPTO on July 12, 2004). At the time, Applicant's Attorney (the undersigned) did not realize that these claims were Currently Amended on November 18, 2003 through the Amendment filed through the law firm Darby & Darby. Please note that prosecution of the present application was only temporarily transferred to this firm during a temporary change in responsibilities for the Applicant's Attorney (the undersigned). Accordingly, the present Application has now been transferred back to Applicant's Attorney (the undersigned). Applicant will be filing a continuation patent application in order to pursue the claims set forth in Applicant's Amendment filed July 7, 2004 which were not entered.

The disclosure has been objected to based on Table 1 referred to as an Appendix. Accordingly, the Specification has been amended and new formal drawings have been submitted in order to identify Table 1 as Fig. 6. A copy of the new formal drawings including the new Fig. 6 are enclosed herewith.

The abstract of the disclosure has been objected to. A new abstract is enclosed herewith on a separate sheet in order to overcome this objection.

Claims 1, 2, 20 and 22 have been objected to based on informalities. The amendments made to these claims are believed to have successfully overcome these objections.

Claims 1-44 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Applicant's admitted prior art in view of U.S. Patent No. 6,229,300 (Dlugos) and U.S. Patent No. 5,381,090 (Adler et al.).

The Applicant respectfully traverses as follows. Dlugos is directed toward a Wiegand tilt sensor particularly useful as a replacement for prior art mercury switches which are commonly known to be environmentally unfriendly. Column 1, Lines 4-17.

Adler et al. is directed toward hub and bearing assembly with integrated rotation sensor and temperature measurement feature useful as a rotational speed sensor and particularly for use on a motor vehicle for detecting the rotational speed of a ground engaging wheel. Column 1, Lines 12-17.

Both of these prior art references have nothing to do with the field of endeavor for Applicant's present invention. Not only do each of these cited prior art references constitute non-analogous art, but also, even if one of ordinary skill were to be led to the teachings of each of these prior art references, it is clear that this person would never arrive at a medical location system having the novel features and function as claimed in Applicant's present invention (even when combined with Applicant's own admission of the prior art).

Moreover, none of these references and Applicant's prior art admission teach, suggest or even infer a medical location system comprising a medical device having a body and a position sensor at a portion of the body wherein the position sensor has a core made of a Wiegand effect material and a winding circumferentially positioned around the core and a signal processor wherein the position sensor receives the generated field and provides signals to the signal processor for determining location information of the portion of the body of the medical device and the temperature at the position sensor.

Furthermore, none of these prior art references teach, suggest or infer a medical location system comprising a medical device responsive to a generated field having a body and a position sensor at a portion of the body wherein the position sensor has a core made of a high permeable material wherein the material is a bi-stable material that produces a substantially uniform voltage pulse upon an application of the external field and a signal processor wherein the voltage pulse

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is used by the signal processor to determine location information of the portion of the body of the device and the temperature at the position sensor.

Accordingly, Applicant's claimed present invention as amended is neither anticipated by nor rendered obvious by these cited prior art references and should be deemed to be allowable over the cited prior art of record. Accordingly, favorable action is respectfully requested.

Respectfully submitted,

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